IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1438 of 2006

PRADEEP KUMAR PALIWAL
V/S
MITHA LAL JAIN & ANR.

Mr. HARISH PUROHIT, for the appellant / petitioner

Mr. A K JAIN, for the respondent

Date of Order : 4.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

In my view, without going into the question about the correctness of the exercise of discretion made by the learned trial court in declining to permit cross-examination of three witnesses Nand Kishore Teli, Takhat Mal Jain and Gordhan Lal Teli, in the totality of circumstances, and in order to cut short further controversy, I think it appropriate to allow the petitioner to cross examine the witnesses mentioned above whose affidavits have been filed. The respondent plaintiff will make these witnesses available for cross-examination on the next date of hearing i.e. 6.2.2007 which is said to be the date already fixed, and on that date the petitioner shall cross-examine them. It is made clear that if the petitioner fails to cross examine them on that day, the right of cross-examination will stand closed. The trial court is directed to decide the main proceedings most expeditiously thereafter. The writ petition is accordingly disposed of.

(N P GUPTA),J.

/Sushil/